THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.14356 of 2007

Dated. 06.07.2007

Between:

B.P.Mohan Rao S/o Suryaprakash Rao

…Petitioner

And:

Deputy Transport Commissioner,
Kakinada, East Godavari.

…Respondent

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ORDER:

The petitioner is operating his vehicle bearing No.AP.05/Y.3488, on a town service with Permit No.9/E/1989, issued by the respondent herein. He submitted an application before the respondent, seeking permission to release the vehicle, on the ground that it needs to be replaced by another. Through his memo dated 28.06.2007 the respondent rejected the request and took the view that the vehicle can be released, only when it is replaced by another, and not otherwise. The petitioner challenges the same.

Heard the learned counsel for the petitioner and the learned Government Pleader for Transport.

The very purpose of granting permit, enabling the owner of the vehicle to operate it on a route, is to ensure that the travelling pubic are provided with the transport facility. Once a vehicle is granted such permit, it cannot be permitted to be withdrawn. The Motor Vehicles Act and the Rules made thereunder provide for replacement of vehicle,

whenever the permit-holder wants. There is no provision, which enables the permit-holder to seek release of the vehicle, from the permit, without replacing it. Such a course would result in defeating the very purpose of granting the permit. If the vehicle owned by the petitioner at present needs major repairs and he is not able to replace it with another, he can certainly seek withdrawal of the permit, paving the way for the respondent to grant permit in favour of the owner of another vehicle.

Hence, the Writ Petition is disposed of, directing that in case, the petitioner insists that his vehicle be released for major repairs and he is not able to replace it with another vehicle, the respondent shall accede to such request, and he may, in turn, grant temporary permit on the same route in favour of the owner of another vehicle, in accordance with law. The permit, which remains with the petitioner, shall be liable to be dealt with, in accordance with the provisions of the Motor Vehicles Act and the Rules made thereunder. In case, the petitioner fails to replace a proper and otherwise fit vehicle, within four months, from the date of release, the permit shall lapse. There shall be no order as to costs.

06.07.2007

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